

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of August 19, 2004, is respectfully requested.

As an initial matter, the Examiner's attention is directed to several of the references listed on the Form PTO-892 attached to the outstanding Office Action. In particular, as discussed with the Examiner during a telephone conversation on November 3, 2004, references A and G listed on the Form PTO-892 are *design* patents, rather than *utility* patents. Thus, in order to avoid any further confusion or possible printing errors, the Examiner is respectfully requested to clarify the record (possibly by issuing a new Form PTO-892) to clearly indicate that reference A listed on the Form PTO-892 attached to the Office Action of August 19, 2004, is US-D19,280, while reference G listed on the Form PTO-892 attached to the Office Action of August 19, 2004, is US-D19,406.

In order to make necessary editorial corrections, the entire specification and abstract have been reviewed and revised. As the revisions are quite extensive, the amendments to the specification and abstract have been incorporated into the attached substitute specification and abstract. For the Examiner's benefit, a marked-up copy of the specification indicating the changes made thereto is also enclosed. No new matter has been added by the revisions. Entry of the substitute specification is thus respectfully requested.

Claims 1-8 were originally pending in this application. In this regard, the Examiner rejected claims 1 and 4 as being anticipated by the Manlove reference (USP 5,761,848); rejected claim 1-3, 6 and 7 as being anticipated by the Longacre reference (USP 2,885,825); and rejected claims 4, 5 and 8 as being unpatentable over the Longacre reference in view of the Whilldin '280 reference (USP D19,280). However, as indicated above, original claims 1-8 have now been cancelled and replaced with new claims 9-20, including new independent claim 9. For the reasons discussed below, it is respectfully submitted that the new claims are clearly patentable over the prior art of record.

As explained at the bottom of page 1 of the original specification, conventional plant pots have designs which create one or more problems. Specifically, plant pots that have drainage perforations require frequent watering in order to prevent the soil from drying out. Alternatively, plant pots that do not have drainage holes (or in which the drainage holes are blocked) retain excess water around the roots which causes root rot. The present invention as recited in new independent claim 9 has been developed in order to address both of these problems.

An explanation of the arrangement and advantages of the present invention will now be provided with reference to various portions of the present application. However, reference to any particular embodiments in the present application is provided only for the Examiner's benefit, and is not intended to otherwise limit the scope of the claims to those specific embodiments.

As illustrated in Fig. 4 of the present application, the plant pot recited in independent claim 9 comprises a side wall 2 and a bottom wall 3 attached to the side wall, and the bottom wall 3 has a drainage through-hole 4. A partition wall 5 extends upwards from an inner surface of the bottom wall 3, and the partition wall is shaped and arranged to form a *water storage portion* 6 for holding water between an outer surface of the partition wall and the inner surface of the side wall, and to form a *drainage bowl portion* having the drainage through-hole 4 at the bottom thereof. As a result, the water storage portion can hold water in reserve for the plant, so that the watering intervals for the plant can be increased even in a dry atmosphere. Furthermore, the drainage through-hole at the bottom of the drainage bowl portion allows excess moisture around the roots to be drained so as to prevent root rot (see page 2, lines 3-6 of the original specification). In addition, because the partition wall is shaped to form a drainage bowl portion having the drainage through-hole at the bottom thereof, this drainage bowl portion can be used to hold pebbles 10 or other bedding material so that it is not necessary to provide the bedding material over the entire bottom surface of the plant pot (see page 4, lines 17-24 and Fig. 5 of the present application).

The Manlove reference discloses a nursery container including a side wall 6 and a bottom wall having a concave frustum 10 with a convex frustum 14 formed at the top thereof (see Fig.

3). The Examiner asserts that the Manlove reference discloses a water storage portion 14 formed at the inside at the bottom. However, the convex frustum 14 of the Manlove reference has a drainage opening 15 at its center for aeration of the plant (see column 5, lines 27-30). Thus, the convex frustum of the Manlove reference is not capable of holding water, as is the water storage portion of independent claim 9. Furthermore, the Examiner is requested to note that the peripheral region around the concave frustum 10 includes drainage holes 11 (see column 5, lines 19-21 and Figs. 2 and 3). Thus, it is submitted that the Manlove reference does not disclose or suggest a partition wall that forms a water storage portion for holding water, as recited in new independent claim 9. Furthermore, the Manlove reference also does not disclose or suggest a drainage bowl portion formed by a partition wall.

The Longacre reference discloses a plant pot assembly including a plant pot 14 and an outer reservoir portion 10. The bottom wall of the plant pot 14 includes an inset portion 26 with a drainage hole 30 formed therein. The Examiner asserts that the Longacre reference discloses a water storage portion formed at the inside of the bottom, and refers to Fig. 1. However, the Longacre clearly does not disclose or suggest a partition wall that extends upwards from an inner surface of the bottom wall so as to form a *water storage portion and a drainage bowl portion* having the drainage through-hole at a bottom thereof. In this regard, as clearly illustrated in Fig. 3, the drainage hole 30 is formed at the *top* of the inset portion 26, rather than at the bottom of a drainage bowl portion. Thus, it is respectfully submitted that the Longacre reference does not anticipate or even suggest the invention recited in new independent claim 9.

The Whilldin '280 reference discloses a flower pot with notches D formed at a bottom thereof. However, the Whilldin '280 reference also does not disclose or suggest a partition wall arranged as recited in new independent claim 9 so as to form a water storage portion *and* a drainage bowl portion having a drainage through-hole at a bottom thereof. Therefore, because the Manlove reference, the Longacre reference and the Whilldin '280 reference do not, either alone or in combination, disclose or suggest a plant pot comprising a partition wall arranged to form a water storage portion and a drainage bowl portion, one of ordinary skill in the art would

not be motivated by these references to obtain the invention recited in new independent claim 9. Accordingly, it is respectfully submitted that new independent claim 9 and the claims that depend therefrom are clearly patentable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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